

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

JAMES WHITE,

Plaintiff,

v.

9:07-CV-1147  
(FJS/DEP)

MURPHY, Sergeant, Great Meadow Correctional  
Facility, et al.,

Defendants.

---

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

JAMES WHITE, *Pro se*  
96-B-0347  
Elmira Correctional Facility  
P.O. Box 500  
Elmira, NY 14902

FOR DEFENDANTS:

[NONE]

**FREDERICK J. SCULLIN, S.D.J.:**

**DECISION AND ORDER**

Presently before the Court is Magistrate Judge David E. Peebles' October 9, 2008 Report-Recommendation in which he recommends that plaintiff's complaint be dismissed in all respects, without prejudice. The Court having reviewed the Report-Recommendation and the entire file in this matter and no objections to said Report-Recommendation having been filed, the Court

hereby

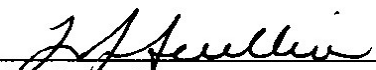
**ORDERS** that the Report-Recommendation filed by Magistrate Judge David E. Peebles on October 9, 2008 is, for the reasons stated therein, accepted in its entirety; and the Court further

**ORDERS** that plaintiff's complaint in this action is **DISMISSED** in all respects, without prejudice, and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of the defendants and close this case.

**IT IS SO ORDERED.**

Dated: October 29, 2008  
Syracuse, New York

  
\_\_\_\_\_  
Frederick J. Scullin, Jr.  
Senior United States District Court Judge